

04/21/00  
jc806 U.S. PTO

04-24-00

A

Attorney's Docket No. 760-24 DIV 2

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Box Patent Application**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

jc135 U.S. PTO  
09/556726  
04/21/00

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor(s): **THOMPSON, Paul J.**, a U.S. citizen, whose address is  
**9125 40 and ½ Avenue North**  
**New Hope, MN 55427**

For (title): **EXPANDABLE STENT-GRAFT COVERED WITH**  
**EXPANDED POLYTETRAFLUOROETHYLENE**

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date, April 21, 2000, in an envelope as "Express Mail to Addressee" Mailing Label Number EJ094851698US, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

K.J. Goodhand

Name of person mailing paper

*K. J. Goodhand*

Signature of person mailing paper

09556726-042100

1. **Type of Application**

This new application is a(n):

- ☐ Original (nonprovisional) application.
- ☐ Design application.
- ☐ Plant application.
- ☒ Divisional of Serial No. 08/988,725, filed on 12/11/97, under
- ☒ 37 CFR 1.53 ☐ 37 CFR 1.60, which is a division of Serial No. 08/751,884, filed 11/18/96, which claims priority to provisional application No. 60/007,435, filed 11/21/95.
- ☐ Continuation of Serial No. 08/, filed on \_\_\_\_\_, under
- ☐ 37 CFR 1.53 ☐ 37 CFR 1.60.
- ☐ Continuation-in-part of Serial No. 08/, filed on \_\_\_\_\_, under
- ☐ 37 CFR 1.53 ☐ 37 CFR 1.62.

2. **Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- ☒ This new application claims the benefit of prior U.S. application(s).
- ☐ Please amend the specification by inserting, before the first line, the following:
- ☐ "This application claims the benefit of U.S. Provisional Application No. /, filed on \_\_\_\_\_."
- ☐ "This application is a
- ☐ continuation
- ☐ continuation-in-part
- ☐ divisional
- of copending application
- ☐ Serial No. \_\_\_\_\_, filed on \_\_\_\_\_."
- ☐ International Application No. \_\_\_\_\_, filed on \_\_\_\_\_, and which designated the U.S."
- ☒ A Preliminary Amendment is enclosed amending this application to state the relation of this application to prior applications.
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- ☐ The relation of this application to prior applications is stated in the application.

3. **35 U.S.C. 119 Priority Claim for Prior Application**

This application, and prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 2, claim(s) priority from one or more foreign applications as follows:

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(Country)	(Application No.)	(Filing Date)
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(Country)	(Application No.)	(Filing Date)
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(Country)	(Application No.)	(Filing Date)
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Certified copy(ies) of the application(s) from which priority is claimed:

- ☐ has(have) been filed on \_\_\_\_\_, in prior application 08/\_\_\_\_\_, which was filed on \_\_\_\_\_.
- ☐ is (are) enclosed.
- ☐ will follow.

4. **Papers Enclosed Which are Required to Obtain Application Filing Date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design)**

14 Pages of specification

5 Pages of claims

1 Pages of Abstract

6 Sheets of drawings

- ☐ formal
- ☒ informal

- ☐ The enclosed drawing(s) include photograph(s), and there is also attached a "Petition to Accept Photograph(s) as Drawings." 37 CFR 1.84(b).

5. **Additional Papers Enclosed**

- ☒ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98)
- ☐ Form PTO-1449
- ☐ Citations
- 
- ☐ Declaration of Biological Deposit

- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Power of Attorney
- ☐ Other

6. Declaration or Oath

- ☐ A Declaration or Oath is enclosed, executed by (check all applicable boxes):
  - ☐ inventor(s).
  - ☐ legal representative(s) of inventors(s) (37 CFR 1.42 or 1.43).
  - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
    - ☐ This transmittal serves as the petition required under 37 CFR 1.47, and the statement required under 37 CFR 1.47 is also enclosed. See item 13 below for fee.
- ☒ A Declaration or Oath was filed on 11/18/96 in prior application 08/751,884, filed on 11/18/96, from which benefit is being claimed for this application under 35 U.S.C. 120 or 121. The subject matter disclosed in the present application is the same as that disclosed in the prior application, and the inventors are the same or less than those named in the prior application. Accordingly, no new Oath or Declaration is required.
  - ☒ A copy of the Oath or Declaration in the prior application is enclosed.
- ☐ A Declaration or Oath is not enclosed.
  - ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* of the above named inventor(s).
- ☒ A Power of Attorney is included in the Declaration or Oath.
- ☒ A copy of a Power of Attorney listing Hoffmann & Baron, LLP as attorneys of record filed on March 2, 2000 in parent application No. 08/988,725 along with a Statement Under 37 C.F.R. §3.73(b) is also enclosed.

7. **Language**

This new application is written in:

☒ English.

☐ A non-English language: \_\_\_\_\_.

☐ A verified translation is enclosed (37 CFR 1.52(d)).

8. **Assignment**

☒ An assignment of the invention to Schneider (USA) Inc.

☐ is enclosed. A separate:

☐ "Cover Sheet for Assignment (Document) Accompanying New Patent Application" is enclosed.

☐ Form PTO-1595 is enclosed.

☒ was made in prior application No. 08/751,884, filed on 11/18/96.

☒ A copy of the assignment (and any recordation cover sheet) is enclosed.

☐ will follow.

9. **Maintenance of Copendency of Prior Application**

☐ A Petition for Extension of Time and the appropriate fee has been filed and extends the term in the pending prior application until \_\_\_\_\_.

☐ A copy of the petition filed in the prior application is attached.

☐ A conditional petition for extension of time is being filed in the pending prior application.

☐ A copy of the conditional petition in the prior application is attached.

10. **Abandonment of Prior Application**

☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

11. **Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

☐ There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment.

12. **Fee Calculation (37 CFR 1.16)**

A. ☒ Regular application (37 CFR 1.16(a))                      Basic Fee              \$690.00

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**FEES FOR CLAIMS AS FILED**

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Number filed	Number extra	Rate		
Total Claims (37 CFR 1.16(c))	7 - 20 = 0	X \$ 18.00	=	\$ 0
Independent Claims (37 CFR 1.16(b))	2 - 3 = 0	X \$ 78.00	=	\$ 0
Multiple Dependent Claims (37 CFR 1.16(d))		+ \$260.00	=	\$-----

Fee Calculation for Extra Claims \$ 0

☐ Amendment canceling extra claims enclosed.

☐ Amendment deleting multiple-dependencies enclosed.

B. ☐ Design application (37 CFR 1.16(f))                      Filing Fee              \$310.00

C. ☐ Plant application (37 CFR 1.16(g))                      Filing Fee              \$480.00

Total Filing Fee Calculation              \$690.00

13. **Request for International-Type Search (37 CFR 1.104(d))**

☐ Please prepare an international-type search report for this application at the time national examination on the merits takes place. See item 15 for fee.

14. **Small Entity Statement(s)**

☐ A Verified Statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27;

☐ is enclosed.

☐ will follow.

☐ Status as a small entity was claimed in prior application 08/, filed on \_\_\_\_\_, from which benefit is being claimed for this application under:

☐ 35 U.S.C. 119(e),

☐ 35 U.S.C. 120,

☐ 35 U.S.C. 121,

☐ 35 U.S.C. 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the verified statement in the prior application is enclosed.

Filing Fee Calculation (50% of A, B, or C above)

\$ \_\_\_\_\_

15. **Fee Payment Being Made at This Time**

☐ Not enclosed. No filing fee is to be paid at this time.

☒ Enclosed:

☒ Basic filing fee (Item 12 or 14 above) **\$690.00**

☐ Fee for recording Assignment  
(\$40.00 (37 CFR 1.21(h))) \$ \_\_\_\_\_

☐ Petition fee for filing by other than all  
of the inventors or person on behalf of  
the inventor where inventor refused to  
sign or cannot be reached.  
(\$130.00 (37 CFR 1.47 and 1.17(h))) \$ \_\_\_\_\_

☐ Fee for processing an application having a  
specification in a non-English language.  
(\$130.00 (37 CFR 1.52(d) and 1.17(k))) \$ \_\_\_\_\_

☐ Processing and retention fee  
(\$130.00 (37 CFR 1.53(d) and 1.21(l))) \$ \_\_\_\_\_

☐ Fee for international-type search report  
(\$40.00 (37 CFR 1.21(e)))

\$ \_\_\_\_\_

Total fees enclosed

\$690.00

**16. Method of Payment of Fees**

☒ Check in the amount of \$690.00

☐ Charge Deposit Account No. 08-2461 in the amount of \$ \_\_\_\_\_  
A duplicate of this transmittal is enclosed.

**17. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 08-2461:

☒ 37 CFR 1.16(a), (f), or (g) (filing fees)

☒ 37 CFR 1.16(b), (c), and (d) (presentation of extra claims)

☐ 37 CFR 1.16(e) (surcharge for filing the basic fee and/or declaration at a date later than the filing date of the application)

☐ 37 CFR 1.17 (application processing fees)

A duplicate of this transmittal is enclosed.

**18. Instructions as to Overpayment**

☒ Credit Deposit Account 08-2461.

☐ Refund.



Mark E. Baron

Registration No. 46,150

Attorney for Applicant(s)

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